

Appl. No. 10/607,901
Amdt. Dated 06/24/2005
Reply to Office action Dated 03/25/2005

REMARKS

Specification amendments

The specification has been amended to provide the number for the US Patent, which was issued from a patent application cited in the specification. No new matter has been added through the amendment to the specification. Please enter the amended specification.

Claim amendments

Claims 1-18 are pending and stand rejected on Double Patenting grounds. Applicant has submitted a Terminal Disclaimer in order to overcome the Double Patenting rejection herewith.

Double Patenting Rejections

Claims 1-18 are rejected under the judicially created doctrine of double patenting over claims 1-8, 11, 17-24 and 27 of U.S. Patent No. 6,587,828.

A terminal disclaimer compliant with 37 CFR 1.321(c) is filed herewith. Furthermore, the instant Application 10/607,901 and U.S. Patent No. 6,587,828 were, at the time the invention of Application 10/607,901 was made, fully owned by common assignee OraMetrix, Inc. and a statement establishing the common ownership pursuant to 37 CFR 1.130(b) is also filed herewith, disclaiming the terminal portion of this application that would extend beyond the expiration of commonly owned U.S. Patent No. 6,587,828. The applicant respectfully requests that, in view of the terminal disclaimer and the statement establishing the common ownership of the instant Application 10/607,901 and U.S. Patent No. 6,587,828, the double patenting rejections cited above by the Examiner for claims 1-18 should be withdrawn.

The applicant respectfully believes that, in view of the terminal disclaimer and the statement establishing the common ownership of the instant Application 10/607,901 and

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U.S. Patent No. 6,587,828, the Examiner's other arguments for the double patenting rejections are moot.

The applicant has put the instant application in condition of allowance. Favorable consideration of the application and allowance of all claims is requested.

Respectfully submitted.

Date: 24 June 2005

By:

Jasvantrai C. Shah

Jasvantrai C. Shah
Reg. No. 39,444

CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8

The undersigned hereby certifies that the foregoing AMENDMENT is being transmitted by facsimile to number (703) 872-9306 addressed to: Commissioner for Patents, Attn: Examiner Jonathan P. Ouellette, on this 24th day of June 2005.

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